

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
NMC Penn Avenue and Horn
Avenue
4342 Penn Avenue
11th Election District
5th Councilmanic District
Nicholas J. Nolan, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Nicholas J. Nolan and Eva M. Nolan, his wife, for that property known as 4342 Penn Avenue in the Sharondale East subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.b of the Comprehensive Manual of Development Policy (CMDP) to permit a side yard setback of 18 ft., in lieu of the required 30 ft., from tract boundary for a proposed addition; and to amend the Final Development Plan of Sharondale East. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of

the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of October, 1993 that the Petition for a Zoning Variance from Sections 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.b of the Comprehensive Manual of Development Policy (CMDP) to permit a side yard setback of 18 ft., in lieu of the required 30 ft., from tract boundary for the proposed addition; and to amend the Final Development Plan of Sharondale East, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date 10/14/93

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 14, 1993

Mr. and Mrs. Nicholas J. Nolan
4342 Penn Avenue
Perry Hall, Maryland 21236

RE: Petition for Administrative Zoning Variance
Case No. 94-114-A
Property: 4342 Penn Avenue

Dear Mr. and Mrs. Nolan:

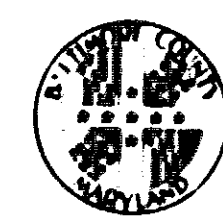
Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 4342 Penn Avenue

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, hereby petition for a variance from Section 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.b of the Comprehensive Manual of Development Policy (CMDP) to permit a side yard setback of 18 feet in lieu of the required 30 feet from tract boundary for a proposed addition; and to amend the Final Development Plan of Sharondale East. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

Very truly yours,
[Signature]
Nicholas J. Nolan
Eva M. Nolan

RECEIVED
DATE 10/14/93
BY [Signature]
ITEM # 119



Petition for Administrative Variance + 94-114-A AMENDMENT TO FDP to the Zoning Commissioner of Baltimore County

for the property located at 4342 Penn Avenue
which is presently zoned D.R.3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, hereby petition for a variance from Sections 1801.2.C.2.a (BCZR) and V.B.5.b (CMDP) to permit a side yard setback of 18 feet in lieu of the required 30 feet from tract boundary for the proposed addition and to amend the FDP of Sharondale East.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Affidavit

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
Eva M. Nolan
(Type or Print Name)
Signature [Signature]
Address
City State Zipcode
4342 Penn Avenue 528-7035
Perry Hall MD 21236
City State Zipcode
21236
City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this 14th day of October, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

RECEIVED
DATE 9-14-93
ITEM # 119

Affidavit in support of 94-114-AA Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4342 Penn Avenue
Perry Hall, Maryland 21236
City State Zipcode

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

I am adding and addition to my home due to my mother's poor health.
We have my mother's health at risk. (Her meaning my mom) Her heart has stopped twice. It is of great importance that we address this petition quickly because of mom's health. Thank you for your consideration.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 14th day of September, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Nicholas J. Nolan and Eva M. Nolan
My Commission Expires: 10/1/96

That the Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Nicholas J. Nolan
(Type or Print Name)
Signature [Signature]
Address
City State Zipcode

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 14th day of September, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Nicholas J. Nolan and Eva M. Nolan
My Commission Expires: 10/1/96

That the Affiant(s) hereby, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
[Signature]
Notary Public
My Commission Expires: 10/1/96

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

94-114-AA
ZONING DESCRIPTION FOR 4342 PENN AVE.
(address)
Election District 11 Councilmanic District 5

Beginning at a point on the NORTH WEST COR. of PENN AVE. & HORN AVE.
(north, south, east or west)

which is 50'
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of _____ of the
(number of feet) (north, south, east or west)

Centerline of the nearest improved intersecting street: _____ (name of street)

which is _____ wide. *Being Lot # 54,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
SHARONDALE EAST as recorded in Baltimore County Plat

Book # 55, Folio # 127, containing
24,219 SQ. FT. OR 0.1556 A. (square feet and acres) ITEM # 119

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 00° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 114 Date of Posting: 9/14/93
Posted for: Variance
Petitioner: Eva M. Nolan
Location of property: 4342 Penn Ave., Nolan Prop. & Home Assn.
Location of Sign: 4342 Penn Ave., Nolan Prop. & Home Assn.
Remarks:
Posted by: [Signature] Date of return: 9/14/93
Number of Signs: 1

RECEIVED
DATE 9-14-93
ITEM # 119

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 119
Petitioner: EVA M. NOLAN
Location: 4342 Penn Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: EVA M. NOLAN
ADDRESS: 4342 Penn Avenue

PHONE NUMBER: 539-7035 or 785-0990
H W

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3610

September 13, 1993

Ms. Eva Nolan
4342 Penn Avenue
Perry Hall, Maryland 21236

94-114-AA

Re: Permit suspension B-174322
4342 Penn Avenue

Dear Ms. Nolan:

Based on information received from the Zoning Office, Permit #B174322 is hereby suspended. All work being done under this permit must cease until the problems are resolved and the permit can be reinstated. Please contact Mr. Regulo Tanguilig for details at 887-3391.

Very truly yours,
John R. Reisinger
John R. Reisinger, P.E.
Buildings Engineer

JRR/nmg

cc: Regulo Tanguilig
Doug Swan
Correspondence
b-file

ITEM # 119

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger
County Building Engineer

DATE: September 13, 1993

FROM: Regulo Tanguilig
Planner I

SUBJECT: Two Story Addition (Residential)
Building Permit No.: B174322

94-114-AA

Please rescind zoning approval for the above reference permit. It has come to the attention of this office that the proposed addition will be encroaching upon the minimum required 30 foot setback for tract boundaries per the 1st Amended F.D.P. of Sharondale East. Variance relief is indicated.

RT:jaw

cc: Eva Nolan

ITEM # 119

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

SEPTEMBER 24, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

To: Nicholas J. Nolan and Eva M. Nolan
4342 Penn Avenue
Perry Hall, Maryland 21236

Re: CASE NUMBER: 94-114-AA (Item 119)
4342 Penn Avenue
Bk Perry Avenue and West Avenue
11th Election District - 1st Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3321. This notice also serves as a reminder regarding the administrative process.

- 1) Your property will be posted on or before September 27, 1993. The closing date (October 12, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl J. Jablon
Arnold Jablon
Director

ITEM # 119

PANEL BP1003H
TIME: 09:04:10 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/27/93
DATE: 09/13/93 GENERAL PERMIT APPLICATION DATA PLQ 12:33:32

PERMIT #: B174322 PROPERTY ADDRESS
RECEIPT #: A196678 4342 PENN AVE
CONTROL #: MR SURDIV: SHARONDALE EAST DISTRICT/PRECINCT 11 09
XREF #: B174322 TAX ACCOUNT #: 2000013350 OWNERS INFORMATION (LAST, FIRST)

FEE: 55.00 NAME: NOLAN, NICHOLAS & EVA
PAID: 55.00 ADDR: 4342 PENN AVE 21236

APPLIED: 08/26/93 NAME: EVA NOLAN
ISSUED: 08/26/93 COMPANY:
OCCPNY: ADDR1: 4342 PENN AVE
ADDR2: PERRY HALL MD 21236
INSPECTOR: 11R PHONE #: 785-0990 LICENSE #:
NOTES: JB/COP

94-114-AA

PASSWORD:

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 09:04:43 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/27/93
DATE: 09/13/93 BUILDING DETAIL 1 PLQ 12:33:47

PERMIT #: B174322 PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EL 1 PL 1
BUILDING CODE: 1 TENANT
IMPRV 2 CONTR: JFL BUILDERS 232 COCKEYSVILLE RD 21030
USE 01 ENGR:
SELLR:

FOUNDATION BASE WORK: CONST 2 STRY + BASE ADDIT ON SIDE OF EX. SFD
FLOOR: 082 BASE, TO BE UNFINISHED BASEMENT, 1ST FLOOR
CONSTRUC FUEL SEWAGE WATER TO FAMILY ROOM, 2ND FLOOR TO BE BDRM &
2 3 1E 1E PWDR RM. ALT. TO CREATE OPENING TO ADDIT.
CENTRAL AIR UN EACH FLOOR. 12'3"X24'X24'6"=882SF.
ESTIMATED COST 27,179.00
OWNERSHIP: 1 PROPOSED USE: SFD + ADDIT
RESIDENTIAL CAT: 1 EXISTING USE: SFD
\$EFF: \$1BED: \$2BED: \$3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: 1

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 09:04:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/27/93
DATE: 09/13/93 BUILDING DETAIL 2 PLQ 12:33:47

PERMIT #: B174322 BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR: 082 SIZE: 0.1556AC
WIDTH: 12'3" FRONT STREET:
DEPTH: 24' SIDE STREET:
HEIGHT: 24'6" FRONT SETB: NC
STORIES: 2+BASE SIDE SETB: 18/NC
KITCHENS: LOT NOS: 54 REAR SETB: NC
CORNER LOT: Y

ZONING INFORMATION ASSESSMENTS
DISTRICT: LAND: 0000000.00
PETITION: SECTION: 0000000.00
DATE: LIBER: 005
MAP: FOLIO: 127
CLASS: 04 TOTAL ASS:.

PLANNING INFORMATION
HSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

ITEM # 119

Glenn E. Miller
L. Darlene Miller
4340 Penn Avenue
Baltimore, Maryland 21236

94-114-AA

September 15, 1993

Baltimore County
Department of Zoning
Attn: Mr. Reg Tanguilig
111 W. Chesapeake Ave.
Baltimore, Maryland, 21204

Re: Building Permit B174322
4342 Penn Avenue.

Dear Mr. Tanguilig:

As you know, the referenced permit has been temporarily suspended at my request due to a discrepancy in the zoning requirements and the proposed location of the addition.

We have met with the Nolans, who have informed us of their rather urgent need to provide a sick relative with a place to live. We recognize and sympathize with their plight. In addition, we do not wish to create or further any feelings of hostility with these or any of our neighbors.

We are still not very enthused about the idea of this new structure. However, for the reasons stated above, we wish to withdraw our objection to their proposal and hereby notify you that we will not object to reissuance of the permit or request for variance from the zoning regulations in this instance.

Sincerely,
Glenn E. Miller
Glenn E. Miller

cc: Mr. and Mrs. Nolan

NOTARY
ALICE H. COSTANZA
My Commission Expires 10/1/96

9/16/93

I live at 9400 Horn Ave, which is connected to the rear of 4342 Penn Ave (Nolan residence)

I have no objection to the construction of an addition to their existing residence.

Joseph Dinawicki

94-114-AA

94-114-AA

9326 Pent Arrol Way
Baltimore, Maryland 21246
September 17, 1993

Baltimore County Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Sir,

It is our pleasure to recommend for approval the construction of an addition to the Nolan residence at 4342 Penn Avenue. We know the quality of workmanship will be beyond question as they have secured the services of their original builder. Eva and Nick's willingness to re-invest in our community demonstrates a commitment to a family oriented atmosphere in our neighborhood. It will most certainly contribute to an increase in surrounding property values.

We Thank You for the opportunity to express approval and confidence in this project.

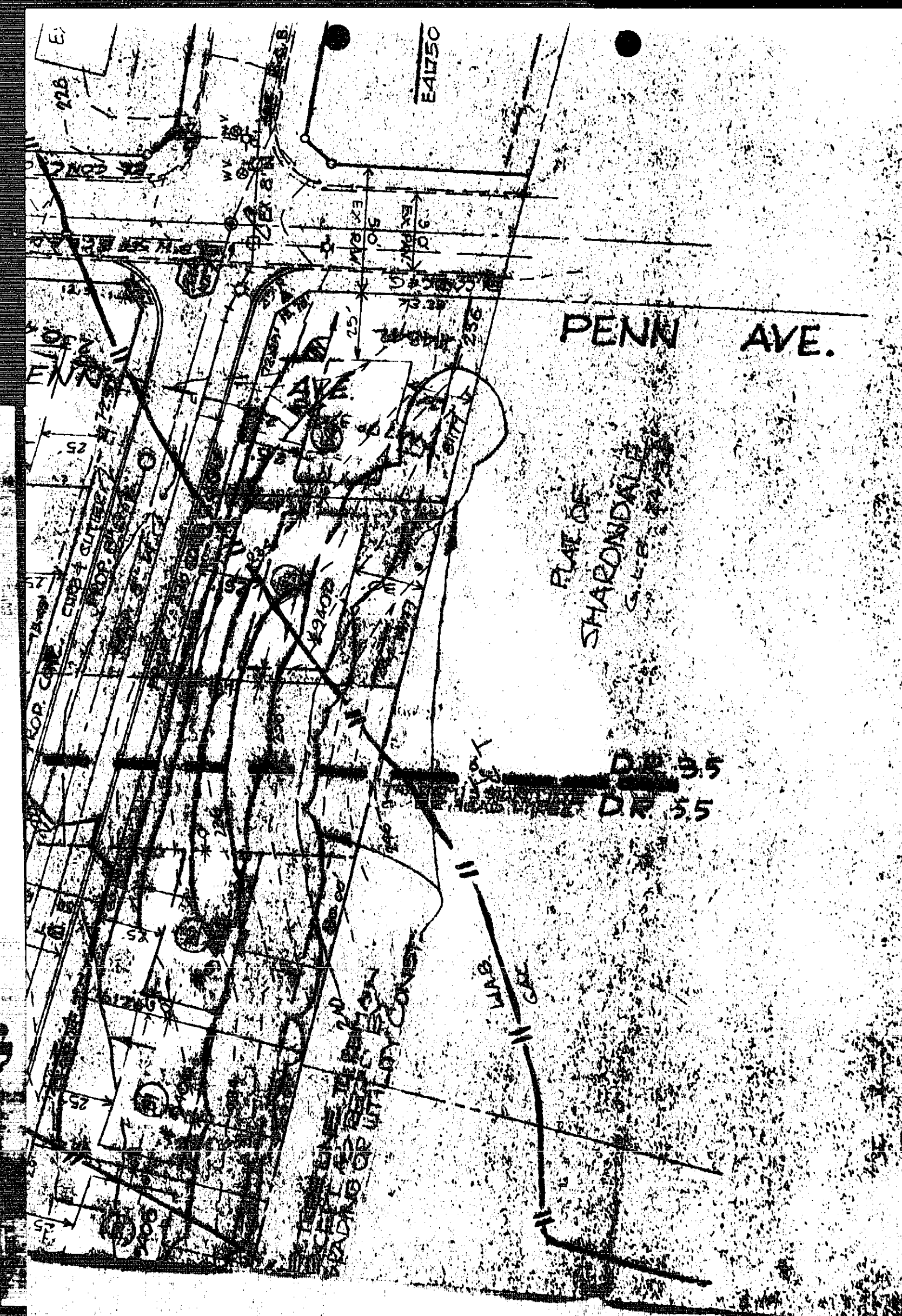
Sincerely,
John J. Inwood Sr.
John J. Inwood Sr.
Mildred Inwood
John J. Inwood Jr.

4340 PENN AVE
BALTO., MD. 21236

94-114-AA

Hand-drawn sketch of the right elevation of a house. The house has a gabled roof with a smaller gable on the left side. Dimensions include a main roof pitch of 12/12, a smaller roof pitch of 12/12, and a vertical height of 11' 6" on the left side. The text "RIGHT ELEVATION" is written across the middle, and "2013" is written at the bottom right.

94-114-A



Scouts need food

Boy Scout troops from all over Maryland hope to collect 250,000 pounds of food for the hungry during a drive that begins Feb. 29. One that starts

See NEWS, A2

Alert girl prevents family tragedy

By Gary McCammon

It could have been a scenario right out of the TV show, "Rescue 911."

The alert action of a 12-year-old Perry Hall girl saved her grandmother's life last week, providing a happy ending to what could have been a tragic story.

Last Wednesday, Jenna Nolan's grandmother, Gloria Murphy, was spending the night with Jenna's family on Penn Avenue in Perry Hall. At about 4 a.m., when everybody else in the house was asleep, Jenna heard her grandmother making a strange snoring noise. As it turned out, Mrs. Murphy was not snoring, but was having trouble breathing and was gasping for air.


: After several attempts to wake her grandmother had failed, Jenna awoke her mother, Eva Nolan. Mrs. Nolan's attempts to wake her mother failed, as well. Mrs. Nolan

By the time paramedics from station 56 in Perry Hall arrived, Mrs. Murphy was in a comatose state.

"On the way to Franklin Square, her heart stopped," Mrs. Nolan said. "My mom would certainly have died in her sleep if Jenna had not reacted so quickly."

At the Northview Shopping Center on Belair Road in Perry Hall — about a mile from the accident scene — only partial power was restored at around 3 p.m. It wasn't until 7 p.m. that the retail store had full power.

Store owners found the power loss frustrating. At Pat's Perfect Video, film developing was interrupted, and power lines to the processing machine were dead even though the store had lights and some other power. And Pat's bought the Without Spot Wrinkles dry cleaners, could not get the automated clothes racks to move.



Jenna is a honor roll student at Perry Hall Middle School.

The youngster's quick thinking saved her grandmother's life according to paramedics at station 55 and doctors at Franklin Square Hospital.

After spending a few days in the hospital, Mrs. Murphy received a permanent pacemaker on Monday and came home on Tuesday.

"We're really proud of her,"

[illegible]